

RESOLUTION

**RE: Right to Farm, N.J.A.C. 2:76-2.2
Request for Site Specific Agricultural Management Practices
In the Matter of George J. Schaefer (d/b/a Jean's Honey, Inc.)
Block 72.02, lot 10; Township of Raritan, County of Hunterdon**

WHEREAS:

On April 29, 2010, a Right to Farm ("RTF") Application for a Site Specific Agricultural Management Practice determination was submitted to the Hunterdon County Agriculture Development Board ("CADB"), by George Schaefer, owner of Jean's Honey, Inc. (Block 72.02, Lot 10; Raritan Township), a farm that is operated as an apiary operation. The RTF Application requested approval from the CADB for the following:

- 1) produce and sale of honey bees and queens; 2) extraction and bottling of honey; and,
- 3) sale of honey and honey products.

On May 4, 2010, the CADB, through its Administrator, wrote to the SADC and to Raritan Township notifying them that the application had been filed.

At its May 13, 2010 meeting, the CADB discussed the application and determined that Jean's Honey, Inc. was a commercial farm operation in accordance with N.J.A.C. 2:76-2.3. At its June 10, 2010 meeting, it was determined a site visit would be necessary and a Right to Farm hearing was scheduled for July 8, 2010.

On June 18, 2010, the CADB conducted a site visit at the Jean's Honey, Inc. property.

On May 18, 2010, the CADB, through its attorney, wrote to the Raritan Township Land Use Enforcement Officer informing the Township of the Board's policy that the applicant be granted the opportunity to appear before the Township on an expedited basis in order to explain the applicant's position and to give the Township an opportunity to review the application. The Raritan Township Board of Adjustment reviewed the operation with the applicant on June 3, 2010. On July 9, 2010, a written submission from the Township setting forth the results of that meeting were received by the CADB one day following the CADB hearing.

Proof of formal notice and publication was submitted by the applicant to the CADB on July 8, 2010. Formal notice of the hearings was published in the Hunterdon County Democrat on June 24, 2010 and served via certified mail on all landowners within 200 feet of the subject property. (App-1)

On July 8, 2010, the CADB held a public hearing.

George Schaefer appeared on behalf of Jean's Honey, Inc. No representative from Raritan Township was present and no one appeared to object to the granting of the application. Mr. Schaefer provided a brief history of his business and testified to the following:

1. The farmer has conducted his apiary operation on the property for over 40 years, which includes maintaining and selling bees, as well as extraction and sale of honey and honey products.

2. At any given time the farmer has between 5 and 7 bee colonies.

3. All colonies are located at least 25 feet from any public sidewalk, alley, street or road.

4. The apiary has an on-site adequate source of water which is no more than one-half mile from the apiary.

5. All bee equipment and hives are in good condition.

6. All colonies are kept in movable frame hives.

7. There are three (3) residences located within 300 feet of the apiary, one to the North, one to the South, and one to the West.

8. The residences to the North and South are buffered by a building on the North side of the apiary and a six foot high soil berm to the South side.

9. The residences to the West is screened by a series of trees and bushes. The farmer could not speak to the density of the vegetation.

Documents that were provided to the Board are as follows:

1. Request for Site Specific Agricultural Management Practice Application for Hearing submitted to the CADB by George Schaefer dated April 29, 2010, together with the Commercial Farm Certification.

2. May 4, 2010 letter to George Schaefer from Raritan Township.

3. June 29, 2010 letter to George Schaefer from Raritan Township.

App.1 Notice of Public Hearing, Proof of Publication, and certified property owner list within 200 feet of the property.

The CADB discussed the matter and considered the submissions and testimony of the applicant.

NOW, THEREFORE, BE IT RESOLVED THAT THE HUNTERDON COUNTY AGRICULTURE DEVELOPMENT BOARD MAKES THE FOLLOWING FINDINGS OF FACT:

1. The property in question is known as Block 75.02, Lot 10 in the Township of Raritan.
2. Jean's Honey, Inc. runs a commercial farming operation on in accordance with N.J.A.C. 2:76-2.3(b) and is entitled to protection under the New Jersey Right-to-Farm law.
3. The Township of Raritan issues a letter to the operator of Jean's Honey, Inc. on May 4, 2009 indicating the Township had no records of issuing a permit for the business on the farm and instructed the owner to remove all items associated with the business and to apply for a permit if desired.

4. On June 29, 2010 Raritan Township issued another letter to the owner of the operation confirming the operation had been in existence prior to the 1979 Zoning Ordinance and that that non-conformity was entitled to remain and continue. However, it he would have to apply for a variance to “grandfather” his operation to be submitted within one year.

5. The activities of the business are all related to an Apiary operation which is an SADC approved Agricultural Management Practice pursuant to N.J.A.C. 2:76-2A.2.

NOW, THEREFORE, BE IT RESOLVED BY THE HUNTERDON COUNTY AGRICULTURE DEVELOPMENT BOARD AS FOLLOWS:

A. The request for Site Specific Agricultural Management Practices determination submitted by Jean’s Honey, Inc. is approved with conditions for the following activities as follows:

- 1) Conducting an apiary operation;
- 2) Producing and sale of honey bees and queen bees;
- 3) Extracting and bottling of honey and honey products; and,
- 4) Sale of honey, wax, and honey products.

B. The above listed activities are consistent with apiary services, or are ancillary support services to an apiary operation and as such are permitted uses on the property under the Right to Farm Act.

- C. This application is approved with the following conditions:
- 1) The operation must conform to all of the requirements from apiary operations pursuant to N.J.A.C. 2:76-2A.2.
 - 2) A six-foot high solid fence on hedge must be erected in order to buffer the residence to the South, in accordance with N.J.A.C. 2:76-2A.2(e).
- D. This determination shall be forwarded to the State Agricultural Development Committee within thirty (30) days, pursuant to N.J.A.C. 2:76-2.3(e).
- E. Any person aggrieved by this decision, may appeal to the State Agricultural Development Committee within forty-five (45) days, pursuant to N.J.A.C. 2:76-2.3(f).

Dated: September 9, 2010

DAVE BOND, Chairperson